

Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 EURE-00 SAJ-01 SY-05 SCCT-01 SCA-01

CIAE-00 DODE-00 PM-04 H-02 INR-07 L-03 NSAE-00 NSC-05

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P R 221617Z JAN 76

FM AMEMBASSY BONN

TO SECSTATE WASHDC PRIORITY 5869

USMISSION USBERLIN

INFO AMEMBASSY LONDON

AMEMBASSY BERLIN

AMEMBASSY PARIS

AMEMBASSY MOSCOW

USMISSION NATO BRUSSELS

C O N F I D E N T I A L BONN 01171

E.O. 11652: GDS

TAGS: PGOV, WB, GW, UR, UK, FR, US

SUBJECT: POSSIBILITY OF FRG PROSECUTION OF LORENZ
KIDNAPPERS

REF: (A) USBER 055; (B) BONN 593; (C) STATE 6142

1. FRG REP (LUECKING) GAVE ALLIES STATUS REPORT AT JAN.
20 BONN GROUP MEETING ON SUBJECT OF POSSIBLE FEDERAL
INVOLVEMENT IN PROSECUTION IN BERLIN OF LORENZ
KIDNAPPERS. HE SAID JUSTICE MINISTRY WAS
PREPARING RESPONSES TO QUESTIONS PUT BY ALLIES IN BONN
GROUP AND WAS ALSO PREPARING A DETAILED PAPER REGARDING
THE HANDLING OF PREVIOUS FEDERAL PROSECUTIONS IN BERLIN.
JUSTICE WOULD NOT TAKE ANY DECISION ON PROSECUTION BY
OTHER THAN BERLIN PROSECUTOR WITHOUT PRIOR CONSULTATION
WITH THE FOREIGN OFFICE. JUSTICE MINISTRY ALSO
WONDERED IF BEST CHANNEL FOR COORDINATION AND FOR
PROTECTION OF ALLIED RESERVED RIGHTS MIGHT NOT BE THE
"ESTABLISHED CHANNELS" IN BERLIN.

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2. FRENCH REP (BOISSIEU) MADE FOLLOWING POINTS, WHICH HE CHARACTERIZED AS HIS "PRELIMINARY THOUGHTS":

-- A) IT CLEAR UNDER LAW IN FORCE IN BERLIN THAT FEDERAL PROSECUTOR IS ENTITLED TO PROSECUTE THERE IN SOME CASES;

-- B) MEANING OF QA RE MATTER IS LESS CLEAR. IT IS AMBIGUOUS WHETHER FEDERAL PROSECUTOR GENERAL IS TO BE INCLUDED IN ANNEX II PARA 2 LIST OF "STATE BODIES";

-- C) THE SENAT STATEMENT OF MARCH 7, 1975 RE BUBACK (SEE USBER 449, 1975) AND ALLIED REPLY TO SOVIET PROTEST ON FRG ACTIVITIES IN LORENZ CASE (SEE BONN 10411, 1975) MUST BE TAKEN INTO CONSIDERATION; AND

-- D) THERE IS A "FEDERAL PROSECUTOR GENERAL PROBLEM" AND A "BUBACK PROBLEM". BUBACK'S INCLINATION TO SEEK PUBLICITY IS ANOTHER DIMENSION OF FUNDAMENTAL QUESTION.

3. BOISSIEU SAID BEST SOLUTION WOULD BE FOR THE PROSECUTION TO BE HANDLED BY BERLIN PROSECUTOR "WITHOUT TOO MUCH NOISE."

4. COMMENT: LUECKING RESPONDED TO A QUESTION BY REPLYING HE DID NOT KNOW EXACTLY WHAT JUSTICE MINISTRY MEANT BY "ESTABLISHED CHANNELS" IN BERLIN. HE INDICATED A PREFERENCE TO KEEP THE BONN GROUP AS THE MAIN POINT OF CONTACT ON THIS PROBLEM. WE ARE INCLINED TO AGREE, BUT DO NOT BELIEVE CONSULTATIONS HERE NEED PRECLUDE SIMILAR ACTION IN BERLIN. IN FACT, MOVING AHEAD ON PARALLEL BASIS PROBABLY MOST PRUDENT COURSE TO TAKE.
HILLENBRAND

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